

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL J. MCINERNEY,
Appellant,
vs.
WARDEN, ELY STATE PRISON, E.K.
MCDANIEL,
Respondent.

No. 56361

FILED

SEP 29 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

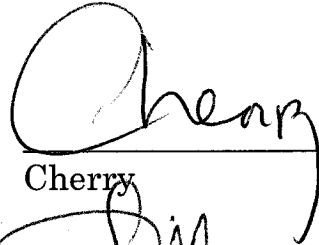
This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus.¹ Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

In his petition filed on October 16, 2009, appellant challenged prison disciplinary proceedings that resulted in placement in disciplinary segregation, transfer to a higher security facility, possible restitution, and the loss of certain privileges. Although appellant was referred for the forfeiture of credits, appellant did not actually forfeit any credits. Because appellant did not lose any credits, appellant's claims challenged the conditions of confinement, and thus, were not cognizable in a petition for a writ of habeas corpus filed in state court. Bowen v. Warden, 100 Nev. 489,

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

490, 686 P.2d 250, 250 (1984); see also Sandin v. Conner, 515 U.S. 472, 484 (1995). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.

Cherry


_____, J.

Saitta


_____, J.

Gibbons

cc: Hon. Steve L. Dobrescu, District Judge
White Pine County Clerk
Michael J. McInerney
Attorney General/Ely